

Applicant: FRIEDMAN, Ben-Zion
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AMENDMENTS TO THE DRAWINGS

The drawings have been amended to comply with 37 CFR 1.121(d). In particular, Fig. 4 has been amended to include block 440. These amendments add no new matter.

Attachment: One (1) sheet of replacement drawings.

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REMARKS

The present Response and Amendment is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Status of Claims

Claims 1-25 are pending in the application. Claims 1-25 have been rejected. No new matter has been added.

Substitute Drawing

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). A substitute drawing is submitted herewith to replace Fig. 4 of the Application. The drawing has been amended to include block 440. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to the drawings under 37 CFR 1.84(p)(5).

No new matter has been added.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 3, 6-8, and 22 under 35 U.S.C. § 102(c) as being anticipated by Amshoff et al. (U.S. Publication No. 2002/0157110) and claims 12-15, 18, and 21, under 35 U.S.C. § 102(e) as being anticipated by Ovadia (U.S. Publication No. 2002/0144286). Applicant respectfully traverses the rejections of claims 1, 3, 6-8, 12-15, 18, 21, and 22 under 35 U.S.C. § 102(e) in view of the remarks that follow.

Each of Applicant's claims 1 and 22, as amended includes, *inter alia*, "applying a predetermined criterion to interim operational data, *said data resulting from an act of said channel locking procedure* to lock onto [an] incoming channel" (emphasis added). Applicant respectfully asserts that Amshoff does not teach at least this feature.

Amshoff does not teach using interim operational data resulting from a channel locking procedure (Claims 1 and 22) to determine whether to continue with the channel lock procedure (Claim 1) or to determine whether to screen a broadcast signal (Claim 22). In

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contrast, throughout Amshoff, continually demodulating new data (e.g., received RF signals) is taught.

In paragraph [0018], referenced by the Examiner, Amshoff teaches a "test ... as to whether a Scan List is available at the modem. The Scan List is a short list of ... preferred channels or channels which are most likely to provide the desired downstream communication path". In general, Amshoff teaches scanning channels with higher preference first and channels with lower preference later (the preference given by the scan list). This ordering may provide a greater chance for finding a channel for connection earlier. Thus, Amshoff's mechanism may reduce the total number of channels that need to be scanned before a connection is made. However, for locking onto an *individual* incoming channel, Amshoff does not teach or suggest altering the standard (e.g., DOCSIS) mechanism.

Therefore each of Claims 1 and 22 are allowable over Amshoff.

Each of Applicant's Claims 12 and 15, as amended includes, *inter alia*, "to determine whether to continue locking onto [an] incoming channel based on a result of applying a predetermined criterion to interim [channel locking or operational] data, said data *resulting from an act of said channel locking procedure*" (emphasis added) Claim 18, as amended includes, *inter alia*, "applying a predetermined criterion to interim channel locking data, said data *resulting from said channel-locking procedure*, and determining whether to continue locking onto said incoming channel, based on a result of said applying said predetermined criterion". Applicant respectfully asserts that Ovadia does not teach at least these features.

In paragraphs [0032]-[0033], referenced by the Examiner, and corresponding step 502 of Fig. 5, Ovadia teaches running initial tests by demodulator 310 to demodulate *all* channels to eliminate channels that are not data channels "as the carrier frequency is swept over the entire bandwidth to obtain a lock" (paragraph [0033] of Ovadia). This is a standard preliminary procedure to take inventory on the entire bandwidth to eliminate non-data channels and is described in, for example, paragraph [0002] of the Background section and in Step 305 of Fig. 3, of Applicant's Publication. However, Ovadia's preliminary scan to eliminate non-data channels is not comparable to the aforementioned features of Applicant's claims 12, 15, and 18.

In particular, this preliminary scan of Ovadia is used to determine across the entire bandwidth, which channels are data channels (i.e., whether it is possible to lock onto the channels) and is therefore executed before selecting any individual incoming channel and/or

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executing a "channel locking procedure on [the] incoming channel". Thus, this preliminary scan of Ovadia is used to determine to *start* to lock onto a channel and cannot be used "to determine whether to *continue* locking onto [an] incoming channel" (emphasis added), as required in each of Applicant's claims 12, 15, and 18. When a channel has been selected for a locking procedure to be executed thereon, Ovadia only teaches a *single* demodulation (i.e., QAM mode demodulation, described in paragraph [0033] of Ovadia). Furthermore, the preliminary scan of Ovadia is a global scan "swept over the entire bandwidth" and not "a channel locking procedure *on an incoming channel*" (i.e., a specific channel) as required in each of Applicant's claims 12, 15, and 18. Additionally, in paragraph [0030] of Ovadia "demodulator 310 ... demodulates the received digital signal" is taught. The demodulator 310 of Ovadia is taught only to demodulate new unaltered *received* data and not the "interim ... data ... resulting from ... said channel locking procedure", as required in each of Applicant's claims 12, 15, and 18.

Therefore each of claims 12, 15, and 18 are allowable over Ovadia.

Each of claims 3 and 6- depends directly or indirectly from, and therefore includes all of the limitations of, claim 1, which as discussed are allowable over Amshoff. Each of claims 13-14, and 21 depends directly or indirectly from, and therefore includes all of the limitations of, one of claims 12 or 18, which as discussed are allowable over Ovadia. Therefore, Applicant respectfully asserts that claims 3, 6-8, 13-14, and 21, are likewise allowable.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1, 3, 6-8, 12-15, 18, 21, and 22, under 35 U.S.C. § 102(e).

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 2, 4, and 9-10 under 35 U.S.C. § 103(a), as being unpatentable over Amshoff in view of Vegt (US Patent No. 6,038,433), claim 5 under 35 U.S.C. § 103(a), as being unpatentable over Amshoff in view of Beck (U.S. Publication No. 2002/0083465), claims 16 and 19 under 35 U.S.C. § 103(a), as being unpatentable over Ovadia in view of Vegt, claims 17 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Ovadia in view of Beck, and claims 11, 23, 24, and 25 under 35 U.S.C. § 103(a), as being unpatentable over Amshoff in view of Ovadia. Applicant

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respectfully traverses the rejections of claims 2, 4-5, 9-11, 16-17, 19-20, and 23-25 under 35 U.S.C. § 103(a) in view of the remarks that follow.

Each of claims 2, 4-5, 9-11, and 23-25 depends directly or indirectly from, and therefore includes all of the limitations of, one of Applicant's claims 1 and 22, which as discussed are allowable over Amshoff. Each of Vegt, Beck and Ovadia, do not cure the deficiencies of Amshoff. Therefore, Applicant respectfully asserts that claims 2, 4-5, 9-11, and 23-25, are likewise allowable over the prior art of record.

Each of claims 16-17 and 19-20 depends directly or indirectly from, and therefore includes all of the limitations of, one of Applicant's claims 15 and 18, which as discussed are allowable over Ovadia. Each of Vegt and Beck do not cure the deficiencies of Ovadia. Therefore, Applicant respectfully asserts that claims 16-17 and 19-20, are likewise allowable over the prior art of record.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections of claims 2, 4-5, 9-11, 16-17, 19-20, and 23-25, under 35 U.S.C. § 103(a).

Conclusion

In view of the foregoing amendments and remarks, Applicants assert the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

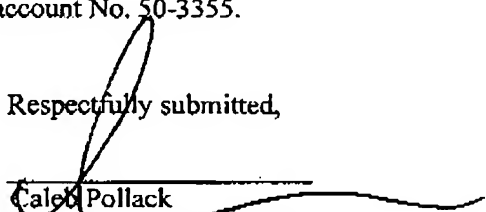
Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fees are believed to be due associated with this paper; however, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,


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